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9 Attorneys for Defendants
CAPITAL ONE BANK and
10 CAPITAL ONE SERVICES, INC.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
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14

15 DAVID J. LEE, an individual and, On Behalf of
All Others Similarly Situated,

16 Plaintiffs,

17 v.
18

19 CAPITAL ONE BANK, CAPITAL ONE
SERVICES, INC. And DOES 1-100, inclusive,

20 Defendants.
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Case No. C-07-4599 MHP

CLASS ACTION

**NOTICE OF CONTINUANCE OF
HEARING DATE ON DEFENDANTS'
MOTION TO DISMISS FROM
JANUARY 14, 2008 TO JANUARY
28, 2008**

Hon. Marilyn H. Patel

Complaint filed: Sept. 5, 2007

1 Pursuant to Civil Local Rule 7-7, Defendants Capital One Bank and Capital One Services,
2 Inc. hereby file this Notice of Continuance, continuing the scheduled hearing on Defendants'
3 Motion to Dismiss from Monday, January 14, 2008 at 2:00 p.m. to **Monday, January 28, 2008**
4 **at 2:00 p.m.** in Courtroom 15, located at 450 Golden Gate Avenue, San Francisco, California
5 94102.

6 Dated: December 21, 2007

MORRISON & FOERSTER LLP

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8 By: /s/ Melissa A. Jones
Melissa A. Jones

9 Attorneys for Defendants
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11 CAPITAL ONE SERVICES, INC.
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